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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 December 1992, at 10 a.m.

Chairman: Mr. ALSTON

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GE.92-18712 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS (agenda item 5) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Italy (E/1990/6/Add.2)

1. At the invitation of the Chairman, Mr. Mezzalama, Mr. Verga, Mr. Citarella, Mr. Amatucci, Mrs. Passananti, Mrs. Palumbo and Mrs. Carla (Italy) took places at the Committee table.

2. Mr. MEZZALAMA (Italy) pointed out that the second periodic report of Italy (E/1990/6/Add.2) had been drafted nearly three years earlier and that there had been greater dynamism in the economic and social sector than in that of civil and political rights. There had not been enough time to undertake an almost total redraft of the report and he therefore congratulated the Committee on having identified a number of extremely pertinent issues in document E/C.12/WG/1992/CRP.3/Rev.1; in replying to them he would in fact be updating the text of the report.

3. The report had reflected the positive economic and social situation prevailing in Italy in 1989. Today, the country was beset by very grave economic problems because of the international economic situation and its internal budget deficit, which had imposed extraordinary financial burdens and taxation. It also faced problems caused by the privatization of national industry. In Italy the public sector accounted for more than 50 per cent of industrial production; at present a partial privatization of public enterprises was taking place which posed problems of preserving jobs during the change-over in management. The situation and outlook were thus very difficult from those on which the report had been based over two and a half years earlier.

4. Replying to the Committee's request concerning a country profile, he said that the geographical position of Italy and its long coastline invited immigration. The focal points of current international crises were partly in the Mediterranean region, and Italy had been subject to exceptional pressure from neighbouring Eastern European countries, beginning with Albania and the former Yugoslovia. Its position exposed it to an enormous wave of people seeking humanitarian aid.

5. The population of Italy was approximately 59 million. Until recently there had been an annual population growth of 1 to 2 per cent, but the previous year for the first time an entirely new phenomenon had appeared: the growth rate had been zero. That trend would have to be monitored to see if it was temporary or long-term. Inter-provincial or interregional movements had influenced the population: the movement from the south to the more industrialized north had gradually diminished, while the concentration of the population in large cities had increased. Immigration from countries outside the European Community, especially from the Maghreb, had been felt in rural regions and those dependent on fishing activities.

6. Despite the fact that a large part of Italy was mountainous, 69.5 per cent of the national territory was devoted to agriculture. However, industrial expansion had been greater than that of agriculture: 35 per cent of the population was employed in the industrial sector, mostly in processing industries, in particular engineering and metallurgy. At present there was a tendency to establish industry in the traditionally agricultural south. Since Italy had to import important raw materials such as oil, its foreign trade showed an excess of imports over exports, both with Community countries, in particular Germany, the United Kingdom and France, and non-Community countries among which the United States occupied the leading place. Imports were increasing at a faster rate than exports.

7. With regard to its political structure, Italy was by its Constitution a democratic Republic based on work in all its forms. Sovereignty was vested in the people, who exercised it principally through elections and referendums. High priority was attached to the activity of Parliament; the other supreme bodies of the Republic were the President, the Government, the magistracy, the regions and the Constitutional Court. The Parliament was based on the bicameral system: a Chamber of Deputies and a Senate, both elective and representative. The legislative function was exercised jointly by the two houses. The President of the Republic represented national unity and was elected by the Parliament for a term of seven years, which was renewable. The Government was formed by the President and the Council of Ministers. The President appointed the Prime Minister, who in his turn appointed the Ministers; together they formed the Council of Ministers. In the Constitution, the rules governing the organization of the judiciary were very important: in particular, the Constitutional character of the magistracy made judges autonomous and independent of any other authority. The Italian Republic, one and indivisible, nevertheless provided for extensive local autonomy for the regions, which had administrative as well as legislative power. The Constitution recognized equality without regard to race, colour, religion, etc. and guaranteed the respect of the fundamental rights of the human person.

8. Describing the way in which Italy fulfilled its obligations under International Covenants on Human Rights, he explained that the Interministerial Committee of Human Rights, which composed of representatives of all the ministries concerned, met regularly to draft reports deriving from international obligations under the various instruments which Italy had ratified.

9. With regard to the availability of the report, he said that it had not been widely circulated in advance because it had been thought desirable to await the comments and criticisms of the Committee. However, the report had been printed in specialized journals, including in a review published by the University of Padua. The report had therefore had some publicity among specialized circles in Italy.

10. In reply to the question on the status of the Covenant in Italian domestic law, he said that special importance was given to the Covenants and the European Convention on Human Rights. Since the ratification of the Covenant, its standards, had been frequently applied. Italian law was brought into line with international standards by a special procedure. On one hand,

it was assured automatically and continuously by article 10 of the Constitution, which stipulated that the Italian legal order should be in keeping with generally recognized standards of international law. On the other hand, the Italian legal system did not contain general provisions for adapting domestic law to the obligations laid down by international standards. In most cases recourse was made to an enforcement order, which was incorporated in the same law that contained the authorization to ratify the treaty. If formal adaptation implied a change to domestic standards, the enforcement order was made in the form of a law; thus, any discrepancy between the international convention and national legislation was corrected by the very law which ratified the international instrument. Of course, any abrogation, change or innovation in respect of domestic law took effect only when the international convention entered into force at the international level. The standards of the convention then had the same binding force as those established directly by national legislators. Only when the international standards were not self-executing was it necessary to promulgate special legislation.

11. As regards specific non-discrimination provisions in national law, thus far it had not been necessary to introduce them because all Italian legislation, starting with the Constitution, proclaimed the principle of parity: the general principles of non-discrimination formed part of the spirit and substance of the Italian legal system.

12. Regarding the limitations imposed on the exercise of rights set forth in articles 6 to 15 of the Covenant, he said that those articles were covered by article 39 of the Italian Constitution, which affirmed the freedom of trade union organizations, a principle reaffirmed by the Labour Act of 1970 which not only annulled acts and agreements tending to discriminate against trade union members but also allowed union activities to be carried out in the workplace itself. Article 40 of the Italian Constitution recognized the right to strike; to guarantee its effectiveness, other rules such as article 4 of Act No. 604 of 1976 and article 15 of the Labour Act prohibited employers from limiting the exercise of rights and giving rise to any discrimination based on the participation of employees in union activities. In Italian legislation, however, there were limitations on the right to strike protecting the basic rights of citizens. Act No. 146 of 1990 relating to essential public services made strikes subject to a 10-day period of notice and the adoption of measures guaranteeing the continuity of the public services. The law also provided for the possibility of prohibiting strikes where there was effective danger of a serious and imminent prejudice to the rights of the person guaranteed by the Constitution. The same logic governed the conditions and limits of the right to strike in the nuclear energy sector and air transport. Military personnel and the police were not allowed to strike; however, by virtue of Act No. 121 of 1971 they could, except for career military personnel, form or belong to or be representatives in a certain category of trade union.

13. Turning to the questions concerning the migrant population, he recalled that because of its geographical position and liberal traditions, Italy had always welcomed a great number of foreign workers. Recently, however, the Italian labour market had been substantially influenced both by the intensification of the immigration process and by the domestic mobility of immigrants caused by the notable regional diversification in rates of employment. On 31 December 1991 the Ministry of the Interior had recorded the

presence of 900,000 foreign workers, a 15 per cent increase over that of 31 December of the previous year. The heaviest influx was in northern Italy, 28.7 per cent. In southern Italy and the islands the numbers were lower: 21.5 per cent and 5.1 per cent respectively. International political crises had also played a part as shown by the recent increase in Slovenian, Croatian and Albanian immigrants, particularly in the Adriatic regions. In 1991 migrant workers in Italy came from all continents of the world in varying percentages: 34.4 per cent from Europe, 30.7 per cent from Africa, 18 per cent from Asia, 16.4 per cent from America and 0.5 per cent from Oceania. Among the 169 countries involved, Tunisia, Philippines, Germany, the former Yugoslavia, Senegal, Albania, Egypt and China were particularly prominent. To address the problem the Italian Government in recent years had adopted two important measures: Act No. 943 of 1986 and Act No. 39 of 1990. The first measure defined the machinery for the employment of workers from outside the European Community and introduced transitional measures for regulating their legal status in Italy. Given that clandestine immigration continued and that it was necessary to regulate the position of migrant workers arriving in Italy under the terms laid down by the Act of 1986, the second law was promulgated aimed at regulating the influx and length of stay of migrants from outside the Community and to regularize illegal situations. The new law represented the first stage of a more general policy to be applied through interministerial decrees published at the latest by the end of October each year. In 1992, entry had been limited to the following categories: those who sought refugee status; family members of non-Community persons residing legally in Italy and employed there; non-Community citizens authorized to stay for reasons of employment, on condition that it was not possible to employ another non-Community citizen already resident in Italy. To assist prospective immigrants an information handbook had been published in English, Arabic, French and Spanish and widely disseminated, particularly in North Africa.

14. Replying to questions under article 6 of the Covenant, he said that since the report had been drafted the halt or regression in respect of economic growth had affected living standards. The unfavourable economic situation had already been heralded in Italy in 1990, by the reduction of gross domestic product and the growth in public indebtedness. At present public debt was at about the same level as gross domestic product, leaving a very narrow margin for manoeuvre. That context, as well as the consequences of the process of European unification, had compelled the Government to develop policies to control inflation; it has been called to order by the European Community and told to change its policy. The programmes it had already set in motion aimed at resolving the dilemma of ensuring recovery without compromising the functioning of the social State. The grave situation of economic inequality had led the authorities to try to rationalize public expenditures and direct resources towards critical situations. In particular, the Parliament, in the Act of 23 October 1992, had asked the Government to promulgate standards for rationalization of public health, public sector employment and local finances. The activities aimed at promoting a recovery already under way focused mainly on issues of employment in certain regions and in certain sections of the active population, particularly women. Measures had been taken focusing on retraining, an appropriate use of social shock absorbers and a more flexible labour market policy with safeguards for workers. The initial results could be seen in the control of inflation, which had stabilized at 4.5 per cent. Trade unions had understood the situation and made a praiseworthy effort to narrow areas of confrontation. In order to cement an organic incomes policy,

a tripartite agreement had been reached the previous July between trade unions, employers and Government to bring inflation down to 2 per cent by 1994 through freezing the system of wage indexation. The three parties had also made a commitment to boost employment and to bring the rules governing the public and private sectors into line.

15. It was difficult to establish statistics concerning the proportion of the population holding more than one job, since second jobs were rarely declared to the authorities. It was, however, a common practice in Italy to hold a second job, especially in the public sector where the working day in most cases ended in the early afternoon, allowing time for further employment elsewhere. However, employment in the public service was another area of impending radical change in Italy. It had been decided to apply the conditions prevailing in the private sector to the public service, which hitherto had enjoyed shorter working hours and greater job security, thus reducing the opportunity for moonlighting.

16. In Italy, unemployment was generally defined as a situation in which a person was either without a job or seeking one. However, in some cases large numbers of persons remained unemployed when jobs were available because they did not have the skills required to fill those posts, a situation termed technological unemployment. Such unemployment was increasing as techniques advanced and changes were introduced in the way industry was organized, with automation for example replacing manual labour. In the eyes of the law, a part-time worker was one working for periods less than the hours provided for the working week, month or year by the collective agreements in the sector concerned. Persons working less than 22 hours a week (horizontal part-time) were considered as unemployed. Persons working in individual blocks of several weeks, months or years (vertical part-time work) were not considered as unemployed outside those periods. A number of types of unemployment were recognized in addition to the traditionally accepted definition of the term.

17. In answer to the question on the rights of migrant workers, current Italian law provided for equal treatment of Italian and foreign workers. Article 8 of Act No. 943 of 1986 stipulated that remuneration could not be less than that established by the collective agreements in the sector concerned. European Community workers legally resident in Italy and on the unemployment register as seeking work were entitled to all social welfare benefits available to Italian workers. Act No. 39 of 1990, which made provision for regularizing the status of non-Community workers and stateless persons illegally resident in Italy, enshrined the same principle. At 30 September 1992, there had been 750,000 non-European Community workers in Italy: 340,000 in the north, 260,000 in the centre and 139,000 in the south. Under the law to regularize the status of such workers, 225,000 work permits had been issued. There were no exact figures for the number of illegal immigrants in the country since they were difficult to count but in the two years since the regularization legislation had been in place, 220,000 of the estimated 400,000 non-Community illegal migrants in Italy had now regularized their position. The rest, principally street vendors or seasonal agricultural workers, had an obvious interest in remaining clandestine. The most recent figures showed that 34,000 of the non-Community nationals who had come into Italy between January and September 1992 had regularized their positions. That number was expected to reach 45,000 by the end of 1992. Of the recent legal immigrants, 6,000 were asylum seekers from Eastern Europe, including displaced persons who wished eventually to return home. A further 5,000 had

entered under Italian legislation entitling non-Community nationals to join a family member legally resident in Italy. Of the newcomers, 15,000 were household workers; the household sector thus absorbed a large proportion of non-Community migrants which came, in descending order of numbers, from Morocco, Tunisia, the Philippines, the former Yugoslavia, Senegal, Albania, China, Poland, Brazil, Sri Lanka and Romania. There was a reasonably sustained demand for seasonal workers in agriculture, where irregular practices were common, and draft legislation to regularize the position of such workers, was expected to be adopted shortly. As a step towards regularizing the position of non-Community nationals working as street vendors, who had generally entered the country illegally, they had recently been permitted to become employers of a maximum of two helpers.

18. The right to a minimum wage was guaranteed by article 26 of the Constitution. Salary scales were determined by collective bargaining which embraced all sectors of the labour market including home work paid by the piece. In any area where remuneration was not covered by collective agreements, salary scales were set by special regional commissions. The scala mobile system, which had been a feature of Italian life for decades, would be coming to an end on 31 December 1992 under a Protocol agreed between the Government and the trade unions on 31 July 1992, whereby wage indexation would be replaced by a lump sum payment of 20,000 lire a month from January 1993. A question had been asked on the nature and frequency of occupational accidents and occupational disease. Industrial accidents, leading to death or permanent or partial disability, principally occurred in the mining, metallurgical and building industries. There had been 4,000 such accidents, two per working day, during the past 10 years. The incidence of occupational diseases, had decreased in the industrial sector from 58,212 in 1988 to 46,000 in 1991.

19. Turning to the questions relating to article 9 (right to social security) the Italian legislation in force provided that claimants to a surviving spouse's pension would, in the case of divorce, be entitled to such benefit provided they had not subsequently married or were already receiving a pension. Eligibility for such benefit should, furthermore, have existed before the divorce. In cases where there were several claimants for a surviving spouse's pension the courts would decide the issue, taking all financial and other conditions into account. Italians and foreigners legally resident in the country had equal access to social security benefits under article 11 of Decree No. 195 of 1992. Employers' made equal contributions in both cases; however, foreigners in addition had to contribute to a special fund covering possible repatriation for indigent workers. Only the social pension was restricted to Italian citizens. The social pension however, was not a form of social welfare insurance, but was intended to assist citizens on insufficient incomes. It was financed solely by the State from a fund which received no contributions from employers or employees. European Community directive No. 92 on social security for workers moving within the Community recognized that fact. The social pension was also recognized under article 7 of the Treaty of Rome as a benefit restricted to Italian and European Community nationals.

20. In reply to the questions asked under article 10 of the Covenant (protection of the family, mothers and children), article 29 of the Italian Constitution recognized the family founded on marriage as the natural unit of society. Both spouses within a marriage were morally and legally equal within

the limits established by the law to safeguard the family unit. Italian legislation regarded as legitimate only those families founded on marriage, but families not founded on marriage, de facto families, were increasingly being recognized in Italian case law. A recent reform of family law had introduced the concept of the family enterprise, which provided for distribution of the benefits of such enterprises in proportion to the quality and quantity of work contributed.

21. With regard to the illegal employment of minors, the labour inspectorate had recently carried out surveys to determine its extent but had found that the legislation for the protection of minors was complied with in most cases since infringements carried heavy penalties. In the south of Italy, there were 60,000 employees between 15 and 18 years of age and 4,000 under the age of 15. The latter figure included illegally employed children and legally employed minors between the age of 14 and 15. In 1989, the number of apprenticeship applications approved by the labour inspectorates had been 122,151: 78,000 in northern Italy, 23,000 in the centre and 20,000 in the south. Minors were employed principally in light industry such as clothing and footwear, in engineering workshops and building sites and in small trades and small retail enterprises. Under the law of 1967 on the employment of adolescents and children, 15 years was the minimum age for starting work except for agricultural workers, family workers and employees engaged in light work outside industry where the minimum starting age was 14. In the case of arduous work or work hazardous to health the minimum starting age was 16.

22. The cost of maternity leave for workers in the public sector was paid by the State and for those in the private sector by the National Institute for Social Insurance. Under the relevant legislation, the payments for statutory maternity leave would be made by the health insurer. The maternity leave entitlement was two months before the expected date of the birth and three months subsequently. In addition a mother was entitled to stay away from work for a period of six months during the first year of life of the child and to absent herself form work during any medically certified illness of the child up to the age of three years. Such absences could carry a reduction in salary but had no impact on calculation of length of service or pension entitlements. The law prohibited dismissal of a mother from the time pregnancy was confirmed to the child's first birthday. Day care facilities were provided by local authorities for children up to three years of age in order to facilitate the access of women to work. Applications for setting up such facilities were authorized by the regional authorities on the basis of a plan submitted annually to the Ministry of Health which financed them from a special fund. The law prohibiting dismissal of women for maternity reasons did not cover household workers. Such workers were protected only during the period from submission of a medical certificate of pregnancy to the start of maternity leave. In practice, however, because of the demand for household workers was greater than the supply, such workers had no difficulty in finding another job after the birth of a child. However, reform of the law was envisaged to put an end to the anomaly.

23. In Italy, the introduction of divorce had been a very complex and difficult issue. The concordat between Italy and the Holy See gave religious marriage a status in Italian civil law, and since canon law, did not recognize divorce the term could not be mentioned in legislation. The Act of 1970 therefore did not contain the term "divorce", since it was inapplicable in civil or religious marriage, but provided for the dissolution of a marriage if

performed outside the Roman Catholic Church; if performed within the Church, for the cessation of the civil effects of the marriage. Recent case law upheld the constitutional legality of the procedure to bring the civil effects of a marriage to an end. With regard to the religious effects of a marriage, the ecclesiastic jurisdiction continued to be competent under the concordat. The Act recognized a number of sufficient causes for dissolution of marriage, including three years of effective separation. Divorce proceedings before the courts included a conciliation procedure. Reform of the current law was directed towards reducing the period of separation necessary before dissolution of marriage, acceleration of the procedure and improvement of financial provisions, which would permit allowances to be made to partners taking into account the standard of living prevailing during the marriage.

24. Turning to article 11, he said that 62 per cent of the flats in Italy were owned by the persons living in them. A total of 700,000 requests had been made for rent-controlled housing. As part of the Government's privatization programme, 200,000 State-owned flats had been offered for sale to their tenants.

25. With regard to article 12, owing to the current economic situation, it had been necessary to make a number of changes in Italy's very generous public health system, especially as costs in that sector were the principal cause of the deficit in the national budget. A number of drastic cuts had recently been announced by the Minister for Health: persons in higher income brackets must bear part of the costs of their health care; certain categories of medicine were no longer free; and the number of patients had been reduced for whom doctors working for the national health care system could automatically have their fees reimbursed by the State.

26. He noted that with 15,000 persons having contracted AIDS and 80,000 having tested HIV-positive, Italy was suffering greatly from the AIDS epidemic. The Italian Government had elaborated a plan to address the problem, and the Italian Parliament had adopted a framework legislation to that end. A programme had begun to assist AIDS patients and to enable them to receive professional therapy at home, but it was also important to ensure that such persons were not cut off from their contacts in the community. A question of mentality was at issue, and it was therefore essential to make the public aware that AIDS patients must not be isolated, because such attitudes raised obstacles to the Government's efforts.

27. The legislation concerning drug users and drug traffickers had been modified. In the past, vague parameters had been set for the courts on what had been assumed to be an individual's average daily drug consumption, and that had opened the way to illegal trafficking: a person could claim that the drugs found on his person were for personal consumption, whereas in reality he only consumed half and sold the rest. Those parameters had been changed in 1990.

28. Drug users were no longer sent to prison. If a drug user accepted treatment, criminal proceedings were not instituted. If, however, he refused treatment or was caught again in the possession of drugs, then other legal steps were envisaged, but imprisonment was considered only as a last resort. The Government's goal was to rehabilitate drug users. On the other hand, sanctions for drug dealing had been stiffened.

29. Italy was interested in international efforts to combat drug trafficking and in strengthening international mechanisms to that end.

30. Mr. AMATUCCI (Italy), replying to questions on article 13, said that the term "cultural homogenization" used in paragraphs 143 and 146 of the second periodic report of Italy meant that all pupils were entitled to the same education without discrimination. The goal was not do away with ethnic differences. On the contrary, the school programmes stressed the importance of the concept of inter-cultural education and the mutual enrichment that resulted from the presence of foreign pupils in the schools. The aim of the Italian Government was to achieve the social integration of foreigners, not to force them to renounce their culture. The presence of foreign children in schools was used to activate a dialogue. Inasmuch as there were more than 130 different foreign ethnic groups in Italy, it was clearly impossible to teach children from all those groups their language and culture of origin.

31. In Italy as a whole, avoidance of compulsory secondary schooling had amounted to only 0.3 or 0.4 per cent, and 2 to 3 per cent in the poorest southern regions of the country. A programme had been launched to address the question.

32. Only 30 per cent of Italian university students graduated. It had been found, however, that the drop-out rate was lower for subjects that required longer studies and were more difficult, for example medicine. The drop-out rate seemed to be more closely linked to the attitude of the students than to the level of difficulty of their studies. Another investigation had revealed that whereas only 37 per cent of university graduates found employment in line with their field of study, students generally regarded their university experience as having been useful from the point of view of enriching their general culture.

33. As Italian universities were open to all persons who had a secondary school diploma, there were more university graduates than available employment in their fields of study. To remedy that situation, the Government had launched a programme to improve career orientation, place more university graduates in jobs in the public sector and introduce a course of university training that lasted only two to three years and was better geared to the requirements of the labour market.

34. Concerning linguistic minorities he said that special legislation had been adopted on the teaching of languages other than Italian that were spoken in border regions and in certain other areas of the country, and a degree of autonomy had also been granted in that regard. Thus, children at pre-school level received instruction in both Italian and German in Alto Adige/Südtirol, in Italian and French in the Val d'Aosta and in Italian and Slovene in Friuli-Venezia Giulia.

35. The CHAIRMAN invited the members of the Committee to put questions to the Italian delegation.

36. Mr. SPARSIS recalled that under the scala mobile the purchasing power of the working classes had been guaranteed. He would like to know how the worker's standard of living was safeguarded now that the scala mobile had been abolished. A lump-sum payment was inadequate in that regard and usually led to inflation.

37. The right to strike was guaranteed to all except to the police and military. What alternatives were available to those bodies for the protection of their rights and interests, and was there a system of compulsory arbitration? Were migrant workers covered by special legislation and collective agreements, and had Italy ratified any regional or international conventions guaranteeing to migrant workers the right to a decent living?

38. It had been said that the privatization of State enterprises made the rich richer and the poor poorer. IMF had been an advocate of privatization but was now having second thoughts. Had any study been made of the situation in that respect in Italy? Finally, what kind of machinery existed in Italy for enforcing the legislation on the employment of children?

39. Mr. TEXIER noted that Italy's report was very complete with regard to the information provided on articles 13 to 15 of the Covenant but that there were large gaps in the information supplied on articles 6 to 9 and article 11. Italy had recently joined those countries which had agreed on the free circulation of persons within their frontiers. Controls at the external frontiers of the group would, however, be intensified, with possible harmful consequences for the right of asylum. In that connection he would like to know whether any amendments had been made to Italian legislation in respect of the rights of migrant workers.

40. Assisted procreation posed problems of ethics and human rights. What was the situation in Italy and what measures had been taken to prevent abuses?

41. The Committee had available abundant documentation on the right to housing supplied by the Italian affiliate of Habitat International Coalition. Recent changes in rent legislation appeared to reduce the protection given to tenants. What was the logic behind that, and was it connected with the policy of privatization?

42. Mr. WIMER ZAMBRANO said that he shared the misgivings expressed by Mr. Sparsis regarding privatization, in which the position of the workers generally deteriorated. What were the negative effects on the rights of workers in Italy? As far as the abuse of narcotic drugs was concerned, he noted that most countries prosecuted traffickers but not users, while a minority prosecuted users as well. Some information on the legal situation in Italy, and in particular on the procedures for dealing with drug addicts, would be appreciated.

43. Mrs. BONOAN-DANDAN noted that the question of housing had barely been dealt with in the report. In that connection she would like to know whether there were any provisions to ensure that all persons living in Italy had access to affordable, safe, secure and adequate housing, what steps the Government had taken to protect non-nationals from discrimination in housing, how many migrant workers had been evicted, and how many of the 60,000 to 100,00 persons reported to be homeless were non-nationals.

44. She would also like to know what kind of birth control methods were offered in family advice centres, what programmes, if any, existed for the dissemination of information on birth control, whether there was any legislation on abortion, what were the still-birth and infant mortality rates,

particularly in the rural areas, what educational programmes were in place for religious instruction, and whether there was any censorship on the cinema, radio, television and press.

45. Mr. MRATCHKOV expressed his surprise that the report devoted so very little attention to trade unions. He asked what the present state of trade unions in Italy was, which were the most representative trade unions and how were they determined, whether trade union membership was rising or falling, whether military personnel and civil servants had the right to form and join trade unions, whether there was a strike law governing the private sector, what limitations there were on the right to strike, what procedures were in place for declaring strikes illegal, and whether there was any legislation on lock-outs.

46. Mr. SIMMA thanked the Italian delegation for its heroic effort to make good the shortcomings in the report. The delegation had indicated that there was de jure parity between national and migrant workers with regard to remuneration, safe and healthy working conditions and so on, but it was important to know what the de facto situation was. For example, in Campania alone there appeared to be tens of thousands of Africans working in agriculture for very poor remuneration that must be below the minimum wage. The de facto situation regarding wage-earners who might remain outside the system of minimum wages also required clarification.

47. The Italian delegation had stated that day-care facilities were available. There again, however, the Committee needed to know the de facto situation and whether all mothers who needed day-care facilities could find a place for their children and, if not, what percentage of them did not have access to such facilities.

48. A good deal of information had been provided on the subject of divorce, possibly because the word "abortion" in paragraph 30 of the original English version of the list of issues had been mistakenly translated into French as divorce. Consequently, some information on the situation with regard to abortion in Italy would be appreciated. Moreover, no information had been given on family planning.

49. With regard to the right to housing, which was not dealt with in the report at all, he would like to know why only 5 per cent of all housing in Italy was accounted for by public housing, whether the public agency responsible for housing was actually using the large sum of money at its disposal for the construction of public or other forms of housing, and what steps the national Government was taking to encourage the regional Governments to formulate regional housing policies. Another striking factor about the housing situation in Italy was the very large number of uninhabited dwellings - more than 5 million in all. Why was the number of uninhabited housing units in cities such as Rome and Florence increasing, and would the new legislation referred to by Mr. Texier resolve the situation? Over 80 per cent of tenants were not covered by the equo canone law, and an equal percentage currently paid more than 40 per cent of their income on rent. The new legislation would probably lead to a further increase. How did the Italian Government reconcile that situation with its obligation to secure the right to adequate housing for low-income workers?

50. Mr. KOUZNETSOV inquired about the adverse effects, if any, which the new situation that was due to arise within the European community in January 1993 would have on economic, social and cultural rights in Italy.

51. Mr. RATTRAY asked whether the new initiatives taken for health care would be sufficient to meet the requirements of article 12 of the Covenant or whether a regression would occur.

52. Mr. OATES (International Labour Organisation) drew attention to the information already supplied by ILO to the Committee. Italy had ratified a large number of ILO conventions, many of which were relevant to the application of articles 6 to 10 of the Covenant.

53. The ILO Employment Policy Convention (No. 122) had been discussed in the ILO Conference Committee on the Application of Standards in 1991, when the Government had given additional information concerning the earlier fall in the rate of unemployment from 12 per cent to 11 per cent and on the consultations taking place with workers' and employees' organizations as required by the Convention. Nevertheless the ILO Committee had drawn attention to the need for the coordination of initiatives relating to training and education, on which the Government had been requested to supply more information. The Committee had noted that so far the many active employment policy measures on which the Government had provided information had not seemed to resolve the employment problems in the country.

54. With regard to article 7 of the Covenant, the Committee had raised another problem of coordination under ILO Labour Inspection Convention (No. 81). It was not apparent that the necessary coordination existed between the national authorities and the local labour inspectorates, which often had other duties which distracted them from their obligation to ensure that labour legislation was applied. The Committee of Experts had also taken account, under Convention No. 81, of the comments made by a bank workers' union concerning problems of application concerning the legislation relating to working time.

55. In respect of article 9 of the Covenant, the Committee of Experts had noted the Government's position that the "social pension" was regarded as an assistance payment falling outside the scope also of the ILO Equality of Treatment Convention (No. 118). The Committee had none the less pointed out that under the definition given in Convention No. 118 the "social pension" must be considered as being covered by it. The Committee had also noted that the Government referred to discussions on larger pension questions at the level of the European Community, and it hoped that the Government would supply more information in its next report on that Convention.

56. With regard to article 10 of the Covenant, he wished to underline the Committee's comments on the Minimum Age Conventions. The outstanding problem was still the possibility that children below the prescribed minimum age for employment might be employed in agriculture. The Committee had asked for information on whether children working in agriculture were limited to light work, as required by the Convention.

57. Mrs. IDER asked to what extent and in what manner non-nationals were not guaranteed the rights recognized in the Covenant, what justification there was for any difficulties, and what limitations might be imposed upon the exercise of the rights set forth in articles 6 to 15 of the Covenant and the reasons therefor.

58. With regard to the protection of the family, mothers and children, she would like to know who paid the wages during maternity leave, the employer or the State, whether there were any women who did not enjoy maternity protection and, if so, what measures were being adopted to remedy that situation, and whether there were any groups of children and young persons who did not enjoy the measures of protection and assistance at all or who did so to a significantly lesser degree than the majority.

The meeting rose at 1.15 p.m.